IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 11453 of 2005

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Dated: 23rd August 2005.

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Between:

S.K.Srinath

..... PETITIONER

AND

The Special Chief Secretary, Rep. By Government, (R&B), Services III and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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WRIT PETITION NO.11453 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> " It is therefore prayed that the Hon'ble Court may be pleased issue an order, direction or Writ particularly in the nature of Writ of mandamus declaring the action of I/C Engineer-In-Chief in issuing Proc No.9/ Ser.II.I/2005-1 dated 5.3.2005 and consequently the Memo No.3461/Ser.II./2005 dated 6th May 2005 issued by the Special Chief Secretary, R&B, Hyderabad an set-aside the same as being arbitrary, illegal and violative of Article 14, 16, 21 of the Constitution of India and may pass any order or orders as this Hon'ble Court may deem fit and proper in the interests of the justice."

The dispute is essentially about the transfer of the writ petitioner from Eluru to Kakinada. It appears that aggrieved by the said order transfer, earlier the petitioner approached the Andhra Pradesh Administrative Tribunal (for short 'Tribunal'). The Tribunal by its order dated 14-03-2005 passed in O.A.No.1085 of 2005, disposed of the O.A., directing the petitioner to make a representation to the Government. The petitioner accepted the order of the Tribunal and made a representation to the Government. The Government on a consideration of his representation, rejected the same by its Proceedings dated 06-05-2005 and decided to post him as Deputy Executive Engineer (R&B), Electrical Sub-Division, Kakinada. Hence, the present writ petition.

The petitioner cannot approach this Court challenging the Order of the Tribunal as a Court of first instance and ought to have approached the Tribunal in view of the decision of the Supreme Court in **L.CHANDRA KUMAR v. UNION OF INDIA**.

In the circumstances, we do not see any reason to interfere with the impugned order.

The writ petition is, therefore, dismissed with a liberty to the petitioner to approach the Tribunal, if he is so advised, within a period of two weeks from today.

J.Chelameswar, J

M.Venkateswara Reddy, J

23rd August 2005

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